

**California Environmental Protection Agency
Department of Toxic Substances Control**



Final Environmental Impact Report

**Tourtelot Remediation/Cleanup Project
Benicia, California**

State Clearinghouse
Number 99042079

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SECTION 1 INTRODUCTION

1.1 BACKGROUND

On September 12, 2001, the California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC), distributed the draft Environmental Impact Report (DEIR) for the Tourtelot Remediation/Cleanup Project on an approximately 220-acre undeveloped site within the City of Benicia.

The California Environmental Quality Act (CEQA) requires a public review period of at least 45 days. The 45-day review period for the DEIR ended on October 29, 2001. In addition, a public meeting to receive comments on the DEIR was held on September 25, 2001. All comments on the DEIR are presented in this document. In accordance with State CEQA Guidelines Section 15132(d), DTSC has responded to environmental issues raised during the DEIR review and comment period.

The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by the State CEQA Guidelines Section 15088(b). Accordingly, detailed responses to comments are provided on environmental issues only, and not on comments that may have been raised on the merits of the proposed project.

The entire EIR consists of two volumes: the DEIR and this document. Together, these two volumes constitute the final EIR (FEIR).

1.2 ORGANIZATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The FEIR is organized as described below.

- **Section 2** contains an errata, which consists of a reproduction of portions of the DEIR with text and graphic changes made in response to comments. If revisions to the DEIR are warranted based on the evaluation of comments, then modifications are made to specific identified document sections. Textual deletions are indicated by strikeout (~~strikeout~~), and additions are indicated by underline (underline).
- **Section 3** contains an index indicating the letter (A through I) assigned to each comment letter, the commentor/agency that prepared the letter, and the date the comment was made. This section provides a copy of each comment letter, and provides responses to significant environmental issues raised in the comments,

as required by State CEQA Guidelines Section 15132. Responses are labeled with an alphanumeric designation that is assigned to the comment being addressed.

- **Section 4** provides the draft Mitigation Monitoring Program (MMP). When an agency makes findings on significant environmental effects identified in an EIR, the agency must also adopt a program for reporting or monitoring the mitigation measures that were adopted. Some of the measures included in this monitoring program are the responsibility of the Applicant and its contractors; however, until mitigation measures have been completed, DTSC remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with this program (CEQA Guidelines Section 15097[a]).

SECTION 2

REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

This chapter presents specific changes to the DEIR that are being made in response to comments made by the public and/or reviewing agencies. In each case, the revised page and location on the page is provided, followed by the revision. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR. These revisions have also been incorporated into the Mitigation Monitoring Program, as applicable.

Page ES-3

The following paragraph is hereby added after the second full paragraph on the page:

On August 10, 2000, a Benicia resident reported to local authorities that he had encountered a piece of OE scrap on his property. That item was identified as a tail fin assembly of a mortar. DTSC has determined that the discovery of OE scrap on this resident's property does not suggest that a hazardous condition exists, nor does it provide a basis for concluding that there is an unacceptable level of risk associated with the residential areas adjacent to the Tourtelot Project Site. Further information will be obtained and evaluated during remediation of the Tourtelot Project Site, as discussed in Section 2.3.7 of the DEIR.

Page ES-4

This page is hereby amended as follows:

- Remediate the other areas of the Project Site to a standard suitable for open space use consistent with the General Plan and Zoning Ordinance.

In order to meet these project objectives, the proposed project will include remediation of all detected OE and identification, characterization, treatment, and removal of soil containing chemical concentrations exceeding final remediation goals. Prior to certifying those areas that are suitable for use as designated in the Benicia General Plan, DTSC will review all relevant site data to ensure actions comply with the final Remedial Action Plan (RAP), the Ordnance and Explosives Remedial Design Document (OE RDD), the Non-Ordnance and Explosives Remedial Design Document (Non-OE RDD), and DTSC's June 1999 Order. DTSC's review will also verify that the OE cleanup effort was performed in accordance with the Explosive Safety Submission (ESS), which is incorporated as Appendix C of the OE RDD. Prior to project approval, the Department of Defense Explosive Safety Board (DDESB) will have reviewed the

ESS and determined that it complies with Department of Defense (DOD) 6055.9-STD, "Ammunition and Explosives Safety Standards," July 1, 1999. Broadly, site remediation will consist of several coordinated activities:

- Point clearance of all detected OE, OE scrap, and non-OE metallic debris from the entire site
- Areawide clearance in order to ensure clearance of OE from areas considered to have a potential to contain OE that are planned for future residential use in the North Valley and South Valley and on the Ridge, and to provide 14 feet of clean crushed bedrock below final site grades in future residential areas, except where fill overlies clean bedrock
- Excavation, treatment as needed, transportation, and suitable off-site disposal of chemically contaminated soil requiring remediation-
- Development of institutional controls
- Long-term operations and maintenance.

Point Clearance Activities

OE point clearance activities are expected to begin following DTSC's certification of the final EIR and approval of the RAP. RAP approval shall be preceded by DDESB's determination that the ESS complies with DOD 6055.9-STD, as referenced above. In order to prepare the Project Site for surface clearance activities, the area will be cleared of vegetation to a height of 6 inches or less. The majority of the vegetation will be removed by mechanical means (e.g., self-propelled and/or tractor-pulled mowing equipment). Some portions of the South Valley wetlands and steeper slope areas cannot be accessed by mechanical equipment, and will be cleared using hand-held, gas-powered weed cutters. The surface preparation phase also includes removal of internal fencing, disposal of construction debris, and location and marking of survey grids to track the progress of OE point clearance activities. After surface preparation is complete, OE surface clearance will be conducted by systematically searching the ground surface visually and with hand-held geophysical search equipment to clear OE, OE scrap, and non-OE metallic debris on the ground surface.

After the OE surface clearance has been completed, geophysical crews will begin collecting subsurface anomaly data from each grid by mapping the Project Site using a Multisensor Towed Array Detection System (MTADS). Geophysical investigation and mapping activities include:

Page ES-7

The following text is hereby added after the first full paragraph on the page:

Site Conceptual Model.

A final Site Conceptual Model will be developed based on information on the distribution of OE and OE scrap obtained during point clearance activities on the Project Site, as well as the adjacent Gonzalves property to the east of the McAllister Drive Land Bridge. This model will be used to assess the potential for OE-impacted soil to have been transported off site. If DTSC determines, based on the final Site Conceptual Model, that OE was distributed to residential areas outside the Project Site boundary and, as a result, there is a risk that OE items can be encountered in a manner presenting a significant risk of injury or death, then, concurrent with the areawide clearance phase of work activities, a plan will be developed in accordance with an order or agreement to identify and address these off-site areas. The plan will be presented to the public. If required, the plan will include an analysis of response alternatives for these areas. Alternatives may include development of a Community Awareness Plan to educate the public, institutional controls, surface clearance of OE, and/or detection and clearance of OE to depth.

Page ES-11

The following text is hereby added after the list of “areas of controversy” at the bottom of the page:

Under CEQA, a lead agency is required to consider public opinion and the existence of public controversy in determining the significance of a project’s environmental impacts (California Public Resources Code Sections 21082.2[b] and CEQA Guidelines Section 15064[c]). Shortly after the planning for cleanup of the Tourtelot Project Site commenced, the City of Benicia, which was then acting as lead agency for the preparation of the DEIR for the Tourtelot Cleanup Project, held a public meeting (scoping session) to obtain comments on the proposed cleanup project. After DTSC assumed the role of lead agency, it reviewed the transcript from this scoping session. The persons who commented at the scoping session expressed concerns regarding most of the issues identified above as areas of controversy. Additionally, DTSC has considered comments that it has received during the preparation of the DEIR. Consistent with the requirements of CEQA, DTSC has considered the areas of controversy in preparing the DEIR and believes that the proposed project, together with the

proposed mitigation actions, adequately address them.

Page 2-5

Figure 2-5 in the DEIR is hereby replaced with the revised figure located at the end of Section 2 of this FEIR.

Page 2-13

The following text is hereby added at the end of Section 2.3.5, which occurs after the first full paragraph of the page:

The final RI/FS report (Earth Tech, 2001a) approved by DTSC in August 2001, sets out the following conclusions regarding the tail fin assembly reportedly discovered by the Benicia resident on residential property adjacent to the Project Site:

- The tail fin is from a mortar.
- The condition of the tail fin indicates that the mortar was destroyed by demolition.
- The mortar has not been fired, as evidenced by the unpierced percussion primer at the base of the tail fin.
- Given that no firing ranges have been identified at the former Benicia Arsenal, the likely point of origin for the tail fin was an open burn/open detonation (OB/OD) site.
- The tail fin has been determined to be OE scrap.
- A total of 15 tail fins were found during the EE/CA investigation; 5 of these items were recovered in Sector 3B (a portion of the Project Site), and 10 were recovered in Sector 5 (the Camel Barn area). USACE designated all these items as OE scrap.
- The tail fin is nonhazardous and does not pose a safety risk.
- There is currently no reason to believe that a dangerous condition exists at the residential lot.
- At this time, additional information is needed to assess the likelihood that

OE items exist in areas that have previously received fill soils.

DTSC has determined that the discovery of the tail fin assembly does not suggest that a hazardous condition exists. Nor does it provide a basis for concluding that there is an unacceptable level of risk associated with the residential areas adjacent to the Tourtelot Project Site. This conclusion will be further evaluated during the remediation of the Tourtelot Project Site, and evaluation of the final Site Conceptual Model, as discussed in Section 2.3.7 of the DEIR and Section 2.4 of the draft RAP.

Page 3-2

The first full paragraph and bullet list at the bottom of the page is hereby amended as follows:

The areas intended for residential and open space use are shown on Figure 12-1. In order to meet these project objectives, the Tourtelot remediation will include remediation of all detected OE and the identification, characterization, treatment, and removal of soil containing contaminant concentrations exceeding the final remediation goals. Prior to certifying those areas that are suitable for use as designated in the Benicia General Plan, DTSC will review all relevant site data to ensure actions comply with the final RAP, OE RDD, Non-OE RDD, and DTSC's June 1999 Order. DTSC's review will also verify that the OE cleanup effort was performed in accordance with the Explosive Safety Submission (ESS), which is incorporated as Appendix C of the OE RDD. Prior to project approval, the Department of Defense Explosive Safety Board (DDESB) will have reviewed the ESS and determined that it complies with DOD 6055.9-STD, "Ammunition and Explosives Safety Standards," July 1, 1999. The final remediation goals will be based on the human health and ecological risk assessments that will be completed following remediation of contaminated soil. Broadly, site remediation will consist of several coordinated activities:

- Point clearance of all OE, OE scrap, and non-OE metallic debris from the entire site.
- Areawide clearance in order to assure clearance of OE from areas considered to have a potential to contain OE that are planned for future residential use in the South Valley and North Valley and on the Ridge, and to provide 14 feet of clean crushed bedrock below final site grades in future residential areas, except where fill overlies clean bedrock.

- Excavation, treatment as needed, transportation, and suitable off-site disposal of contaminated soil requiring remediation.
- Development of institutional controls.
- Long-term operations and maintenance.

Page 3-3

The third full paragraph on the page is hereby amended as follows:

Appendix B contains a draft version of a Covenant to Restrict Use of Property that will be used to implement the institutional controls. The Covenant sets out the environmental restrictions that will apply to the affected areas and specifies procedures that will be required for “Excavation Activities” (as defined in the final DTSC-approved form of the Covenant). Excavation activities would only be conducted using UXO technicians support in areas identified in the final DTSC-approved form of the Covenant as requiring such support as a safety measure. The areas and activities requiring UXO support will be determined in connection with the evaluation of the Site Conceptual Model; the evaluation is described in Section 3.3.5.3.2 of the DEIR. When the Covenant allows excavation activities to occur without UXO technician support, the Covenant shall require that the Owner of the affected restricted area notify personnel who are to conduct the excavation activities of the potential OE-related risks, and the steps to be followed if any OE or OE scrap is found. If OE or OE scrap was found in such an area after OE clearance of the Project Site has been completed, the Covenant would require the support of UXO technicians for subsequent excavation activities in such area, unless DTSC determines such support is not required to ensure safety of personnel conducting the excavation activities. The draft Covenant shall be modified consistent with this approach prior to execution of the Covenant.

The Covenant includes provisions that limit the ability of the owners of the restricted areas to change the land use designation or zoning of a restricted area if the change would be inconsistent with the restrictions imposed by the Covenant. After it is finalized and approved by DTSC, the Covenant will be executed and recorded in the Office of the Recorder, County of Solano, State of California. Once recorded, the Covenant will permanently apply to the restricted areas.

Page 3-8

The second full paragraph on the page is hereby amended as follows:

Currently, the point clearance OE field activities are expected to begin following certification of the final EIR and approval of the RAP by DTSC. RAP approval shall be preceded by DDESB's determination that the ESS complies with DOD 6055.9-STD, "Ammunition and Explosives Safety Standards," July 1, 1999. The OE point clearance and QA/QC activities will be completed on a sector-by-sector basis. Phasing of the OE remediation is designed such that the Unit D-1 area (Sectors 1 and 2) of the Project Site (an area previously graded adjacent to Rose Drive) and a buffer area on the north side adjacent to Unit D-1 (Sector 3) will be completed first (see Figure 3-1). The buffer area is designed to ensure that safety zones associated with the remediation of the remainder of the Project Site may be enforced without encroaching on the Unit D-1 area.

Page 3-44

The following bullet point is hereby added to the end of the first bullet list on the page and as the second bullet point in the second bullet list on the page:

- Forward Landfill, Stockton, California (Class II/III)

Page 3-60 and 3-61

The last full paragraph at the bottom of page 3-60, which continues on page 3-61, is hereby amended as follows:

Subdrains will be placed in the lowest parts of the North Valley in accordance with an approved grading plan. Granite proposes the subdrain be constructed using a blanket drain concept. The blanket drain would be constructed over any reworked fill in the valley and would be constructed of Class 2 Permeable Material meeting Caltrans Standard Specifications. The blanket drain would be a minimum of 2 feet thick and 10 feet wide. The drain would be placed in the bottom of the valley and would have branches that extend up any side canyons and would collect any seeps that are identified prior to or during grading. ~~No pipes would be installed within the Class 2 Permeable Material.~~

Page 6-7 and 6-8

The last full paragraph at the bottom of page 6-7, which continues on page 6-8, is hereby amended as follows:

Air quality impacts associated with these activities would be caused by fugitive and combusive emissions. The primary sources of fugitive emissions (PM₁₀)

would be from ground-disturbing activities such as clearing activities, excavation, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces. Primary combustive sources of construction-related emissions (ROG, CO, and NO_x) are from the operation of gasoline and diesel-powered, heavy-duty mobile construction equipment such as tractors, bulldozers, compactors, water trucks, scrapers, dump trucks, and front-end loaders and backhoes. These activities would temporarily increase PM₁₀, ROG, NO_x, and CO concentrations in the project vicinity. During excavation of contaminated soil at the Flare Site and Demolition Site, the TNT Strips, and other areas containing contaminated soils with chemical concentrations exceeding preliminary remediation goals, fugitive emissions could contain metals such as lead, mercury, dioxins, TNT, or PAHs. Current data suggest that concentrations of these soil contaminants are not high enough to present a concern should they become airborne. Of all the contaminants analyzed, TNT and aluminum posed the greatest risk. TNT concentrations were detected in soil at an average of 6,589 mg/kg, and aluminum concentrations were detected in soil at an average of 33,616 mg/kg. An analysis of these concentrations determined that for these contaminants to reach their respective exposure limits and present a health concern, fugitive emissions (total dust concentrations) would have to reach levels exceeding the occupational exposure limit of 10 mg/m³. TNT would approach its exposure limit if dust concentrations reached 15.2 mg/m³. Aluminum would approach its exposure limit if dust concentrations reached 97.2 mg/m³ at the Flare Site and 59.5 mg/m³ at all other areas of the Project Site (Earth Tech, 2001d). Because dust control measures will be implemented as necessary to ensure worker safety, total dust concentrations will not exceed the occupational exposure limit of 10 mg/m³. In addition, these dust control measures will ensure that exposure to any of the individual contaminants will not exceed their respective occupational exposure limits. Any monitoring requirements for soil contaminants during excavation of contaminated soil will be specified in the remedial design documents. Air monitoring will be performed at two PM₁₀ monitoring stations downwind and one PM₁₀ monitoring station upwind of the excavation site.

Page 7-27

The following text is hereby added to the end of the incomplete paragraph at the top of the page:

However, the habitat exhibits a moderate probability of occurrence.

Page 7-28

The following text is hereby added to the end of the second full paragraph on the page:

However, presence has been confirmed regarding occurrence and habitat.

Page 7-31

The following text is hereby added to the end of the second full paragraph on the page:

Presence has been confirmed based on occurrence and habitat.

Page 7-47

The last sentence in the first paragraph of Mitigation Measure 7-5 on this page is hereby amended as follows:

The plan will include ~~detailed~~ methods for enhancement or restoration of ~~nonnative annual~~ the impacted grasslands, and. The plan may include restoration of nonnative grasses and/or may include native plants provided that the biologist hired by the applicant determines, in consultation with DFG, that native plants can successfully be established, can achieve the goal of mitigating impacts to sensitive wildlife species that currently depend on the nonnative annual grasslands, and are otherwise feasible to use. The plan will contain the following elements:

Page 7-48

The fourth bullet point from the top of the page is hereby amended as follows:

- There will be sufficient survival to produce 80-percent nonnative ~~annual grassland~~ and/or native vegetation cover within the restoration area at the end of 5 years.

Page 10-8

The following text is hereby added after the second full paragraph on the page:

If an engineering control (a Mobile Open Front Barricade) is utilized during activities requiring an MSD/VSD, the VSD will be set at the MSD, and notice requirements will be modified accordingly.

Page 24-3

The following reference is hereby deleted from the page:

~~California State Parks, 1991. Benicia State Recreation Area General Plan, June.~~

Page 24-5

The following reference is hereby added after the first reference on the page:

Earth Tech, Inc., 2001d. Assessment of Air Monitoring Needs, March 29.

Page 24-7

The following references are hereby deleted from the page:

~~International Conference of Building Officials, 1997. Uniform Building Code,
Volume 1.~~

~~Jennings, C.W., 1994. Fault Activity Map of California and Adjacent Areas with
Locations and Ages of Recent Volcanic Eruptions, California Division of
Mines and Geology, map scale 1:750,000.~~

SECTION 3 COMMENTS AND RESPONSES

Provided below are written comments received by DTSC during the public comment period for the DEIR and draft RAP prepared for the Tourtelot Remediation/Cleanup Project, and the responses to those comments. Only comments on environmental issues requiring a specific response are addressed in this section. When the entire comment is provided verbatim, the comment is shown in quotations (“ ”). If the comment has been paraphrased, it is not shown in quotations.

This section also provides a complete record of all written comments received. Comments from the following persons, organizations, and public agencies are addressed in this section:

- A Tourtelot Community Advisory Group
- B Benicia School District
- C Reginald Page, private citizen
- D Diane Rieschick, private citizen
- E Marilyn Bardet, private citizen
- F Granite Management Corporation/Pacific Bay Homes
- G California Regional Water Quality Control Board
- H California Department of Transportation
- I U.S. Army Corps of Engineers.

A. TOURTELOT COMMUNITY ADVISORY GROUP

- A-1. Comment: “Section 2.3.5 of the DEIR discusses the reported discovery in August 2000 of a tail fin assembly on residential property south of the Tourtelot Project Site. The DEIR indicates in Section 2.3.7 that DTSC will evaluate the site conceptual model to assess whether ordnance and explosives (OE) were distributed to residential areas outside the Project Site boundary and; if so, DTSC will evaluate risk and determine whether a plan is needed to address off-site areas. Section 2.4 of the Draft RAP also discusses this additional evaluation. Neither document discusses the DTSC’s view of a possible hazardous condition existing off the Tourtelot Project Site. Please clarify that DTSC does not believe significant hazards relating to the former military activities at the Tourtelot Project Site exist in residential areas outside the Site. Include references to the Site Conceptual model and other bases for your position.”

Response: Text has been added to the end of Section 2.3.5 to clarify that DTSC has concluded that the discovery of the tail fin assembly does not suggest that a hazardous condition exists. Nor does it provide a basis for concluding that an unacceptable level of risk exists at the off-site residential areas adjacent to the Tourtelot Project Site.

- A-2. Comment: “At the DTSC’s public meeting for the Draft EIR and Draft RAP on September 25, 2001, the residents who reported the tail fin also expressed concern that the soil on their property may have been moved from the Dynamite Burn Site on the Tourtelot Project Site during pre-construction grading and could contain explosive chemical residue. Please expand the document to clarify why DTSC does not believe significant hazards from explosive chemical residue exist outside the Project Site.”

Response: The final Remedial Investigation/Feasibility Study (RI/FS) approved by DTSC discusses the Dynamite Burn Site. It states that dynamite was reportedly destroyed by burning in a location on the Ridge. It is not known if the soil from the Dynamite Burn Site was chemically affected. The project records show that soil used to construct the McAllister Drive Land Bridge was obtained from a borrow area situated on the Ridge. Since the former Dynamite Burn Site was situated on the Ridge, soil from the Dynamite Burn Site would have been placed in the lower portion of the fill that had been used to construct the land bridge. DTSC has no basis to believe that the fill on any off-site residential lot contains explosive chemical residue as a result of the Dynamite Burn Site or any other activities conducted by the Army at the Tourtelot Project Site.

The above analysis concerning the placement of soil from the Dynamite Burn Site is clearly presented in the final RI/FS, which the EIR incorporates by reference. Therefore, the EIR has not been expanded to include this analysis.

A-3. Comment A-3 was provided to the draft RAP. The response to this comment is provided in the final RAP.

A-4. Comment A-4 was provided to the draft RAP. The response to this comment is provided in the final RAP.

A-5. Comment: "Mitigation Measure 7-5 in the Draft EIR requires a revegetation plan to mitigate impacts to annual grassland areas on the Project Site. It specifies that the plan will provide for enhancement or restoration of nonnative annual grasslands. Can the plan allow for the possible use of native plants?"

Response: The text of Mitigation Measure 7-5 on pages 7-47 and 7-48 has been revised to allow the use of native plants in the revegetation plan.

A-6. Comment A-6 was provided to the draft RAP. The response to this comment is provided in the final RAP.

A-7. Comment: "Page ES-11 of the Draft EIR lists five items that are labeled as "areas of controversy". Please explain the use of the phrase "areas of controversy" and clearly state that the project plan as proposed is intended to mitigate them."

Response: Text has been added after the list of "areas of controversy" at the bottom of page ES-11 to clarify the use of the phrase.

A-8. Comment: "The executive summaries of the RAP and EIR must address all major aspects and issues of the project and be clearly written for the public, since most individual who review these documents would consult the executive summary for the synopsis of information contained within the text. For example, the executive summaries should discuss the Site Conceptual Model and explain what it is and why it is important to this project."

Response: DTSC concurs with the comment concerning the importance of a clear and complete Executive Summary. See the response to Comment A-1 regarding an addition that is being made in the Executive Summary of the EIR. The response to the portion of this comment that refers to the RAP is provided in the final RAP. Text describing the Site Conceptual Model will be added to the

Executive Summary for the EIR at page ES-7 following the discussion of Grading Activities.

B. BENICIA SCHOOL DISTRICT

- B-1. Comment: “Work that would require either mandatory or voluntary withdrawal from the Matthew Turner School and grounds will not be conducted during school hours.”

Response: It is not anticipated that work at the Project Site would involve any mandatory withdrawals from the Matthew Turner Elementary School or its grounds. With respect to voluntary withdrawals, Mitigation Measure 10-1 (page 10-8 of the DEIR) requires that the project applicant obtain concurrence from the Benicia School District before proceeding with activities that would put the Matthew Turner Elementary School within the Voluntary Separation Distance (VSD). While Mitigation Measure 10-1 does not require that such activities occur outside school hours, the Benicia School District may base its required concurrence on the project applicant’s commitment to limit such activities to non-school hours. It is also noted that the project applicant proposes to utilize engineering controls that would reduce the VSD to a distance that would not encompass the Matthew Turner Elementary School. See the response to Comment F-3.

- B-2. Comment: “Matthew Turner School site administration, principal Dan Dempsey, and the Benicia Unified School District Office, Superintendent Joanne Haukland, Ph.D., will be notified prior to any work being done at any other time that might affect people on the school site or on the school facility itself.”

Response: See the response to Comment B-1. The Benicia School District may require that the project applicant provide the requested notifications as a condition of the Benicia School District’s providing its concurrence for activities that put the Matthew Turner Elementary School within the VSD.

C. REGINALD PAGE, PRIVATE CITIZEN

- C-1. Comment: “It is my understanding that the issue of “evacuating” the school will be addressed by scheduling work outside of the times when school children will be present at Matthew Turner, whether the work taking place is within the mandatory or the voluntary withdrawal distance.”

Response: See the response to Comment B-1.

- C-2. Comment: “. . . the school and district need to be notified whenever work takes place outside of normal school hours so that appropriate steps can be taken to ensure the safety of district personnel or others who may be at the site during those times.”

Response: See the response to Comment B-2.

D. DIANE P. RIESCHICK, PRIVATE CITIZEN

- D-1. Comment: “Reference ES-5 and Section 3.2.5.1: Minimum Separation Distance (MSD) is not needed for surface clearance activities. Since the Project Area was cordoned off a few years ago, periodically Pacific Bay has cleared vegetation using hand-held weed-trimmers without incident. No residents need to withdraw during the surface clearance phase.”

Response: The MSD requiring evacuation of all nonessential personnel is a U.S. Army Corps of Engineers (USACE) requirement.

- D-2. Comment: “Reference ES-11, Areas of Controversy: Where does the DEIR address those listed areas of controversy?”

Response: There are five Areas of Controversy identified in the DEIR. These items are listed below, and the location in which each item is addressed in the DEIR is provided.

“What is an appropriate level of clean up for the site?”

Section 3.1, Project Objectives, identifies the appropriate cleanup levels for the Project Site in qualitative terms in that the project must meet objectives that would allow DTSC to determine that all appropriate response actions have been completed, and no further removal/remedial action is necessary under the Imminent and/or Substantial Endangerment Determination and Remedial Action Order. In addition, the Project Site must be remediated to levels that would allow for either unrestricted use of residential lots and the park areas, or be suitable for open space use, as appropriate. The section also indicates that the appropriate level of cleanup for the site, expressed in quantitative terms, will be based on the human health and ecological risk assessments that will be completed following remediation. Also see responses to Comments E-9 and I-21 regarding the remediation of the Project Site so that it is suitable for residential use.

“Can an acceptable level of cleanup be accomplished without substantially affecting the site’s topography?”

Although not specifically addressed within the DEIR, see the response above and the response to Comment I-22.

“Will the site be remediated to an extent that would allow housing to be built on the site?”

See the response above.

“What is an appropriate MSD?”

See Section 3.2.5.1, Minimum Separation Distance, on pages 3-13 through 3-15 of the DEIR. This section discusses the appropriate MSD and how that determination was made.

“Should the Matthew Turner Elementary School be evacuated during OE removal activities?”

See Section 3.2.5.1, Minimum Separation Distance, on pages 3-13 through 3-15 of the DEIR. This section discusses the appropriate MSD and indicates the distance within which withdrawal from the area is mandatory. Mitigation Measure 10-1 on page 10-8 of the DEIR indicates that if a VSD is imposed, withdrawal from the VSD would be voluntary. DTSC does not believe that a mandatory withdrawal is necessary for the school. In addition, the VSD would allow the Benicia School District to independently determine if the school should be evacuated during OE removal activities. Also see the response to Comment F-3 regarding the use of engineering controls to avoid imposing a VSD on the school.

D-3 Comment: “Add the following to the list: Why was the project boundary chosen? Why does the project boundary include areas not leased/employed by DOD?”

Response: See response to Comment A-7 regarding the commentor’s proposal to add additional questions to the list of Areas of Controversy. For the reasons explained in the response to Comment A-7, it would not be appropriate to add the commentor’s proposed additional questions to the listed Areas of Controversy. However, responses to the questions are provided below.

As discussed on page 1-5 of the DEIR, before DTSC issued the Imminent and/or Substantial Endangerment Determination and Remedial Action Order in June 1999, the City of Benicia and USACE entered into a Memorandum of Agreement (MOA) for the expedited remediation of the Tourtelot Property. The City also initially acted as lead agency for CEQA purposes, and prepared the Notice of

Preparation and Initial Study. The City's CEQA documents included in the Project Site all of the property owned by Granite Management Corporation and its affiliates in the Tourtelot area. The majority of Granite's property is inside the boundary of the former Benicia Arsenal; however, some property at the west end of the South Valley is outside such boundary (see Figure 1-2 in the DEIR). Granite concurred with including all of its property in the Project Site as an appropriate means of demonstrating to the City and its residents that all such property would be suitable for future intended uses. When DTSC issued its Order and assumed the lead agency role for CEQA purposes, the Project Site continued to include all such property.

- D-4. Comment: "Reference ES-31, Impact 15-3: Should be expanded to state, "Short-term inconvenience, loss of income, and additional costs to residents from temporary withdrawal." Many residents work at home. Withdrawal means loss of income. Residents may need to take off time from regular employment to handle children after school with a resulting loss of income. Lack of access to kitchen cooking facilities, laundry facilities, and such will involve additional out-of-pocket expenses for families temporarily displaced."

Response: Effects analyzed under CEQA must be related to a physical change in the environment (CEQA Guidelines Section 15358[b]). Economic effects are not considered environmental effects, and are considered in EIRs only if they would lead to an environmental effect. Accordingly, it would not be appropriate to refer to potential loss of income and out of pocket expenses relating to required withdrawals in Impact 15-3. As described in Section 3.2.5.3 of the DEIR, a Hospitality Center will be established to minimize, to the extent possible, the inconvenience to residents who must withdraw from their houses. The project applicant will also have representatives available to discuss and address, on a case-by-case basis, any special needs of residents who are required to withdraw.

- D-5. Comment: "Reference ES-31, Mitigation Measures:

1. Make withdrawal voluntary for residents whose property is located 200 feet or more from DOD leased property (rather than the project boundary) as there is a markedly lower risk of OE or OE scrap on the non-DOD leased areas.
2. Shorten the time for the MSD withdrawal; i.e. allow residents to return home at 2 PM to allow students access to their homes after school.
3. Allow residents to return home from the temporary withdrawal at a pre-designated lunch period to care for animals and handle other domestic affairs.

4. Provide stipend to residents to cover out-of-pocket expenses.”

Response: Regarding paragraph 1, the MSD requiring withdrawal of all nonessential personnel during OE removal activities is a USACE requirement. Making withdrawal voluntary within the MSD for some areas of the Project Site is not an option.

Regarding paragraphs 2 and 3, the proposals to shorten the MSD daily withdrawal period and to allow residents to return at pre-designated lunch times would necessarily increase the number of days on which residents would have to withdraw for at least a portion of the day. The proposal would also require additional time be spent each day in verifying that no one remains in the minimum separation area (MSA), and would thereby reduce the time available to conduct clearance activities. Implementing the proposals could thus increase both the number of days on which a resident must withdraw and the total amount of time of required withdrawals, resulting in a greater inconvenience to residents.

Regarding paragraph 4, see the response to Comment D-4.

- D-6. Comment: “Reference page 2-15, the paragraph discussing the final site conceptual model should include this statement: “If DTSC determines from the final site conceptual model data that **no OE** was distributed to residential areas outside the Project Site boundary, then residents of these areas will be notified that there is **no significant risk from OE on their properties.**”“

Response: DTSC’s Order requires the preparation of an OE Implementation Report following completion of the remedial activities required by the RAP. The Implementation Report will report on the evaluation of the Site Conceptual Model and the determinations made by DTSC with respect to residential areas outside the Project Site boundary. The Implementation Report will provide written notification to residents outside the Project Site boundary of DTSC’s determinations with respect to such areas.

- D-7. Comment: “Reference page 3-13, Section 3.2.5.1: The MSD appears to have been calculated based upon damage/risk to property or unprotected individuals. If residents were allowed a voluntary withdrawal, instead of mandatory, with a requirement to stay inside their homes or cars (when leaving the home), the home itself would provide shelter in the case of the accidental detonation. This voluntary withdrawal option should be considered, also, for those residences that are not located within 200 feet of the DOD leased land boundary. The MSD calculation does not take into effect the difference between the Project Area located adjacent to the DOD leased land and the Project Area located away from

DOD leased land. Note the earlier comments regarding the determination of the Project Area boundary.”

Response: The MSD requiring evacuation of all nonessential personnel is a USACE requirement (see the response to Comment D-1). Therefore, voluntary withdrawal is not an option.

- D-8. Comment: “Reference page 3-18, Figure 3-4: This figure shows a typical daily MSD, which would potentially affect 32 residences in one day. Closing streets will leave the residents of Hugh Court no access to their homes. Work should be accomplished in daily blocks to minimize the MSD withdrawal area. Instead of this large work area depicted, crews should begin at the resident property line and work away from it to impact six or fewer residences per day.”

Response: The area depicted in the DEIR represents the area anticipated for a daily work activity. Reducing this area would, in effect, extend the number of days requiring withdrawal of residents from their homes. Every effort is being made to schedule the work so that impacts to the adjacent properties are minimized.

- D-9. Comment: “Reference page 3-19, Section 3.2.5.3: The Hospitality Center should have bathroom/shower/clothes changing areas available for residents to prepare for work, school, and after-school activities.”

Response: The Hospitality Center will have bathroom facilities available. Withdrawals will be on weekdays between 8:30 a.m. and 5:00 p.m. to allow residents to prepare for work and school in the morning. Granite will have a representative available to coordinate all issues related to the Hospitality Center. Granite has stated that for after-school activities, shower facilities and changing areas will be arranged on an “as-needed” basis.

E. MARILYN BARDET, PRIVATE CITIZEN

- E-1. Comment: “At the two recent CAG meetings held in September I offered comments on the DEIR which I would like incorporated.”

Response: We assume that the commentor is referring to Community Advisory Group (CAG) meetings held on October 3 and October 10, during which the DEIR and draft RAP were discussed. As announced at those meetings, the meetings were organized as informal workshops during which the draft documents could be discussed to assist the CAG in its review of the documents and preparation of formal comments. The meetings were not intended to be a

forum for receiving formal comments on the DEIR and draft RAP, and DTSC did not prepare a transcript or other record of the discussions. Several DTSC representatives attended the CAG meeting, and, based on their recollection of the comments offered by the commentor at the meetings, it appears that the other comments in the commentor's letter raise many of the same points as offered during the informal discussions at the CAG workshops. Those points are addressed in the responses to comments that follow.

- E-2. Comment: "... the Executive Summary does not fully summarize the material in 1.2 (Background of Project)."

Response: Under State CEQA Guidelines Section 15123, the Executive Summary is not required to summarize the background of the project. The focus of the Executive Summary is to provide the reader with a brief overview of the project description and identified impacts, along with proposed mitigation measures and alternatives that would reduce or avoid an impact.

- E-3. Comment: "I support the various comments made by CAG members, especially those regarding use of native grasses when re-seeding land disturbed by removal actions and the protection of wetlands in the South Valley."

Response: See the responses to Comments A-1, A-2, A-5, A-7, and A-8.

- E-4. Comment: "I would like to know what sort of Conservation Fund is being planned for and whether the public will have opportunity for input."

Response: The DEIR proposed Mitigation Measure 21-3, which would have provided for an Environmental Conservation Fund. However, DTSC does not have the authority to adopt Mitigation Measure 21-3. This authority is vested in the City of Benicia. However, the City indicated on November 29, 2001, that this mitigation measure is infeasible for the following reasons: (1) several of the projects evaluated in the cumulative impacts analysis in the EIR are already completed or are in progress, therefore the City does not have jurisdiction to impose new requirements on these projects (thus the timing of implementing the mitigation measures is not feasible) and (2) the City's general plan already requires the City to impose appropriate mitigation measures on new developments to reduce impacts on biological resources (thus the mitigation measures are duplicative with current general plan policies).

- E-5. Comment: "The figure (2-5, Grading Map and Other Features) showing the areas outside the Project Site that received fill soils from the South Valley Ridge during excavations by the developer in the early 1990's needs to include the

areas' roads and the house lots. The map in the RI/FS showing fill areas is much better, since the schematic is overlaid on the development's actual site plan (city zoning map?)."

Response: The background information from the RI/FS figure has been incorporated into Figure 2-5 of the EIR. The revised figure will replace the original on page 2-27.

- E-6. Comment: "I am confused by the actual number of houses being planned for the Site; in section 1.2 (Background, 1-3) 241 single family residences are said to have been proposed by Southampton Co, with an additional 50 houses to be built on adjoining 15 acres then owned by the City of Benicia, (acreage that was to be traded to Southampton Co.) In other places in the DEIR, most notably in one section on "growth-inducing" impacts, I couldn't find mention of the number of houses being planned for. In the section on Cumulative Impacts, however, the number of houses projected to be built is "426 single-family units and 42 accessory dwelling units on approximately 254 acres south of Lake Herman Park", on the Project Site..."

Response: The discussion in Section 1.2 of the DEIR, which is referenced by the commentor, provides background information for the Project Site. It discusses an EIR prepared for the City of Benicia in 1989 in connection with General Plan Amendments and rezoning of a portion of the Project Site. The project evaluated in the 1989 EIR covered 125 acres of the 220-acre Tourtelot Cleanup Project Site, and anticipated the development of a total of 291 residential units on the 125 acres. The current subdivision maps for future residential areas of the Project Site include a total of 417 residential lots. The discussion in the cumulative impacts section of the DEIR referred to by the commentor (Section 21 of the DEIR) is based on the development contemplated in the development agreement that Granite proposed to the City of Benicia in February 1999, which anticipated that 426 single-family units and 42 accessory dwelling units would be built on portions of the Project Site owned by Granite. As noted on page 1-5 of the DEIR, in August 2000, Granite formally withdrew its proposal for a development agreement.

- E-7. Comment: "I would like to know how many houses the portion of the North Valley that is to be filled with soils (from the Ridge and South Valley demolition pit #3 kick-out area during OE removal activities as well as 14 feet of clean fill) will actually accommodate."

Response: The Project analyzed in the DEIR does not include any residential or other development on the Project Site. Accordingly, it is not necessary or

appropriate for the EIR to analyze the number of residential units on the area of the Project Site that has been zoned residential.

As noted in Section 3.1 of the DEIR, one of the objectives of the project is to remediate the areas of the Project Site that the Benicia General Plan designates for residential use to a standard suitable to allow unrestricted use of residential lots. The final subdivision maps approved by the City of Benicia for the areas of the Project Site designated in the General Plan for residential use include a total of 417 residential lots.

Section 21 of the DEIR provides a cumulative impact analysis which includes the residential development of the Tourtelot Property.

- E-8. Comment: “I believe the DEIR should also consider the impact of the OE remediation plan chosen, which calls for filling in of the North Valley, in the case where, for whatever reason, the Project Site was *not* certified as safe (or “suitable”) for residential. What would the Project Site look like after cleanup, if no houses were to get built except in the area of D-1?”

Response: Because this EIR does not include an analysis of residential development, it would not be appropriate to include photographs of residential development as a comparison to the site’s appearance after cleanup is complete. However, Photos 4-2 through 4-4, 4-6 and 4-7, 4-9 and 4-10, and 4-12 and 4-13 depict various views of the site upon completion of remediation and grading activities.

- E-9. Comment: “I believe that a straightforward description of how Cal-EPA will arrive at its final judgement that the Tourtelot Site is certifiable as “suitable” for housing following cleanup needs to be included in the final EIR and needs to be included as part of formal certification. In that description, a reasonable accounting of why the word “suitable” has been elected to replace “safe” would be most helpful, considering where the public began with its questions, petitioning DTSC prior to June 1, 1999.”

Response: In stating Project Objectives in Section 3.1 of the DEIR, DTSC uses the term “suitable” to refer to the cleanup levels to be applied by DTSC. There has been no replacement of terms as suggested.

The facts upon which the final certification will be based will be adequately documented in the DTSC file, and made a part of the Administrative Record.

The text on pages ES-4, 3-2, and 3-8 has been revised to clarify the certification process.

F. GRANITE MANAGEMENT CORPORATION/PACIFIC BAY HOMES

- F-1. Comment: “Section 3.2.1 of the Draft EIR describes the institutional controls to be imposed on “restricted areas” of the Project Site. The “restricted areas” include the Open Space Parcels and existing paved portions of the Project Site (i.e., the D-1 Roads and the paved portion of the McAllister Land Bridge). The second paragraph of Section 3.2.1 says that “Excavation activities [in restricted areas] would only be conducted using UXO technicians support.” “Excavation activities” are defined by reference to the draft Covenant (Appendix B to Draft EIR). Similarly, Section A-3.5.2.4 in Appendix A of the Draft RAP requires that one of the elements of the Contingency Action Plan will be “The presence of qualified UXO technicians during excavation activities”. The draft Covenant’s current definition of Excavation Activities includes activities that can be safely conducted without UXO technicians support.

For example, the definition of Excavation Activities is broad enough that it would apply to fire discing in the Open Space Parcels. Fire discing would penetrate the ground less than one foot so it would not be considered an Excavation Activity under part (2) of the definition of Excavation Activities in the Covenant. However, fire discing on the Project Site would displace more than 10 cubic feet of soil which would make it an Excavation Activity under part (1) of the definition. Fire discing has occurred on the Project Site for many years without incident and without any reports of the unearthing of any OE related items. During the OE remediation activities, all Open Space parcels (including all areas where fire discing will occur) will be subject to point clearance plus the 100% QA QC scan. Given these considerations, it is reasonable to believe that fire discing can occur safely without having UXO technicians present.

In addition, the definition of Excavation Activities would apply to any work in utility trenches below D-1 Roads. Unit D-1 was cut to bedrock before utility trenches were excavated and except in the D-1 Fill Area, the trenches were backfilled with imported sand and with crushed bedrock and would accordingly be free of OE. During the grading of Unit D-1 and installation of the utility trenches, no encounters of OE or OE scrap were reported. Some of the utility trenches in the D-1 areas are not located under paved areas and will be subject to point clearance. This clearance activity would confirm that the utility trenches were backfilled only with imported sand and with crushed bedrock. Also, the utility trenches that are below pavement in the D-1 Fill Area will be subject to point clearance which would remove any non-crushed bedrock fill they may contain

and would insure that they would be free of OE and OE scrap. Granite proposes that DTSC consider as part of the evaluation of the Site Conceptual Model whether it can reasonably be concluded based on the results of the point clearance of the Unit D-1 area that it is unlikely that OE would be present in utility trenches in D-1. If such a conclusion is reached, UXO technicians should not be required to be present when Excavation Activities occur in the trenches.

Finally, the definition of Excavation Activities would apply to work in utility trenches on the McAllister Land Bridge since the Land Bridge is located in an Open Space Parcel. Granite expects to revise the Draft OE RDD before it is approved by DTSC to require that areawide clearance protocols be used to clear a “utilities corridor” where the yet to be installed utilities would be located on the McAllister Land Bridge. It should not be necessary to have UXO support when excavating only within the confines of the cleared utilities corridor.”

Response: The text on page 3-3 has been revised to clarify the use of unexploded ordnance (UXO) technician support during excavation activities.

- F-2. Comment: “The final paragraph of Section 3.3.5.4 of the Draft EIR discusses the subdrains to be installed in the North Valley. It indicates that the subdrains would be constructed using a blanket drain concept. The blanket drain would be constructed of Class 2 Permeable Material meeting Caltrans Standard Specification. The final paragraph of the sentence currently provides “No pipes would be installed within the Class 2 Permeable Material”. Granite proposes to omit this final sentence of Section 3.3.5.4. Granite proposes to install two 8-inch diameter slotted pipes in the lower section of the three-foot thick drain. The slots will be sized to prevent loss of the Class 2 permeable material into the pipes. The intent of the pipes is to remove water more quickly from the drain to insure that hydrostatic pressures do not build up beneath the fill and saturate the fill. The original intent of eliminating the pipes from the drain was to eliminate the possibility that repair work might be required in the future if the drain malfunctioned. The concept of the blanket drain was developed to address this concern by installing a very wide and thick drain that would function without pipes. The blanket drain is still proposed and would function indefinitely even if the pipes were to collapse. Accordingly, it would never be necessary to repair the pipes.”

Response: The last paragraph on page 3-60, which continues on page 3-61, has been revised such that the last sentence has been deleted to allow Granite to install two 8-inch-diameter slotted pipes in the lower section of the blanket drain.

- F-3. Comment: “Mitigation Measure 10-1 of the Draft EIR discusses the implementation of a Voluntary Separation Distance (VSD) based on the maximum fragmentation distance of the MPMs. Mitigation Measure 10-1 indicates that the initial VSD distances based on current MPMs would be 1,181 feet for a 37 mm item and 1,080 feet for a 60 mm item. The Mitigation Measure requires that notices be given to all residents, schools or businesses situated within the applicable VSD. Granite is evaluating the use of a Mobile Open Front Barricade during activities requiring an MSD when the applicable VSD, if one applied, would include Matthew Turner School. The purpose of using a Mobile Open Front Barricade is to reduce the maximum fragmentation distance that could be generated from an accidental detonation. When the Mobile Open Front Barricade is used, USACE procedures allow the maximum fragmentation distance to be reduced to 200 feet. Granite proposes that Mitigation Measure 10-1 be revised to clarify that through the use of engineering controls (the Mobile Open Front Barricade), the VSD can be reduced to 200 feet which would avoid impacts to the school since the school is located at a distance more than 200 feet from the boundary of the Project Site.”

Response: Text has been added to Mitigation Measure 10-1 on page 10-8 to include the use of engineering controls to avoid a VSD that would include the Matthew Turner Elementary School.

- F-4. Comment: “In Section 3.3.4 of the Draft EIR, Granite proposes to add the following landfill to both lists of potential landfill locations that appear on page 3-44: Forward Landfill, Stockton, California (Class II/III).”

Response: The text on page 3-44 has been revised to include the Forward Landfill, Stockton, California (Class II/III), as one of the landfills being considered for the disposal of highly trinitrotoluene (TNT)-impacted soils and other contaminated soils on the Project Site.

G. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

- G-1. Comment: “The DEIR indicates that filling activities in both the North Valley and South Valley will result in the loss of jurisdictional wetlands. The DEIR also indicates that the short-term loss of marsh and riparian habitat from vegetation clearance in the South Valley could degrade the water quality of the wetlands. Third, there will be short-term impacts from increased storm water runoff from the South Valley. A Clean Water Act (CWA) Section 401 water quality certification is required for such activities. A CWA Section 404 Permit from the U.S. Army Corps of Engineers may also be necessary for this project.”

Response: As noted on pages 3-63 and 3-64 of the DEIR, it is anticipated that the project will require a Section 404 permit, and that the USACE will confirm that Nationwide Permit (NWP) 38 applies to authorize the placement of fill in the North Valley and South Valley wetlands. NWP 38 provides for authorization to fill Waters of the United States to effect the containment, stabilization, or removal of hazardous or toxic waste that are performed, ordered, or sponsored by an authorized governmental entity. The California State Water Resources Control Board has issued a water quality certification for projects to which NWP 38 applies.

- G-2. Comment: "The Board adopted U.S. EPA's Section 404(b)(1), "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 25, 1980, in its Basin Plan for determining the circumstances under which filling of wetlands, streams or other waters of the State may be permitted. The Section 404(b)(1) Guidelines prohibit all discharges of fill material into regulated waters of the United States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose.

The Guidelines sequence the order in which proposal should be approached: (1) Avoid - avoid impacts to waters; (2) Minimize - modify project to minimize impacts to waters; and (3) Mitigate - once impacts have been fully minimized, compensate for unavoidable impacts to waters. When it is not possible to avoid water bodies, disturbance should be minimized. Mitigation for lost water body acreage and functions through restoration or creations should only be considered after disturbance has been minimized."

Response: Each of the three criteria listed in the comment has been considered in evaluating the project. Section 22 of the DEIR discusses alternatives to the proposed project that have been considered. As discussed in Section 22, some of the alternatives considered would have avoided impacts to waters, but such alternatives would not adequately address the risk to human health, which was identified as one of the most significant considerations for the project. In determining the recommended alternative, the proposed project was preferred over Alternative 6, which may have provided slightly greater protection from hazards, but would have resulted in several environmental impacts that are avoided by the project, including impacts to wetlands hydrology/water quality. The discussion of Mitigation Measure 7-8 on pages 7-55 and 7-56 of the DEIR describes the mitigation measures that are being required to compensate for the loss of wetlands as a result of the project.

- G-3. Comment: “The proposed project would disturb more than five acres of land during implementation. As noted in Section 7.3.2, Project Impacts, an NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit) is required, as well as a Storm Water Pollution Prevention Plan (SWPPP). A Notice of Intent (NOI) must be filed with the State Water Resources Control Board, Division of Water Quality. Copies of the General Permit and NOI can be obtained from the State Board’s web page, www.swrcb.ca.gov. or by contacting the San Francisco Bay Regional Water Quality Control Board at (510) 622-2300.”

Response: As noted on page 3-63 of the DEIR, it is anticipated that a National Pollutant Discharge Elimination System (NPDES) permit will be required. Mitigation Measure 7-1 discusses erosion and sediment control measures that will be required as mitigation measures. It is anticipated that most, if not all, of the measures described in Mitigation Measure 7-1 will be required by the NPDES. As discussed on page 7-43 of the DEIR, an SWPPP will be prepared as part of the NPDES permit application, and it is anticipated that the San Francisco Bay Regional Water Quality Control Board (RWQCB) will review the SWPPP for adequacy.

- G-4. Comment: “Regional Board staff recommends obtaining a copy of *Start at the Source*, a design guidance manual for storm water quality protection. The manual provides innovative design techniques for structures, drainage systems, and landscaping. This manual may be obtained at most cities planning offices, or by calling the Regional Water Quality Control Board at (510) 622-2465.”

Response: Thank you for your comment. The suggestion will be taken into consideration.

- G-5. Comment: “Regional Board staff is unable to offer more specific comments at this time, however, I have attached our General Comments, which discuss the Regional Board’s areas or responsibilities and may help guide the preparation of further CEQA documentation, if necessary.”

Response: The responses to the General Comments are set forth below.

Regarding the discussion in the General Comments relating to the NPDES Program, see the response to Comment G-3.

Regarding the discussion in the General Comments relating to requirements applicable to projects with impacts on wetlands and describes permit requirements and mitigation considerations, see the response to Comment G-1.

Regarding the discussion in the General Comments regarding measures to be considered in developing an SWPPP to reduce and mitigate water quality impact, see the response to Comment G-3. Additional mitigation measures that are designed to protect water quality are described in Section 7 of the DEIR.

H. CALIFORNIA DEPARTMENT OF TRANSPORTATION

- H-1. Comment: “We have reviewed the Draft Environmental Impact Study, dated September 2001, and we are satisfied that the proposed activities will not significantly impact the State highway system.”

Response: Thank you for your interest in this project.

I. U.S. ARMY CORPS OF ENGINEERS

Comments I-1 through I-20 were provided to the draft RAP. Responses to these comments are provided in the final RAP.

- I-21. Comment: “General comments: Although the subject matter covered by the document was generally in-depth, overall the document failed to address the full scope of the project. It is obvious that the project only begins with the remediation efforts associated with the UXO cleanup. Instead, the actions described in the document indicate that the project site is being prepared for long-term residential development. Although UXO and HTRW cleanup are addressed in the project actions, the resculpting and recontouring of the terrain have little to do with UXO cleanup. The responsibility of UXO cleanup is to return the terrain to the contours and grading which existed prior to the undertaking of the cleanup actions. Under the Project Objectives section of the document (Section 3.1), the text states: “Remediate the areas of the Project Site that the Benicia General Plan designates for the residential or park use to a standard suitable to allow unrestricted use of residential lots and the park.” Also, “In order to meet these project objectives, ... site remediation will consist of several coordinated activities:” (to include) “Areawide clearance in order to ensure clearance of areas ... that are planned for future residential use in the North Valley and South Valley and on the Ridge, and to provide 14 feet of clean crushed bedrock below final site grades in future residential areas ...”. This is reiterated in the Proposed Project section of the Executive Summary.”

Response: DTSC respectfully disagrees with the commentor’s view that the responsibility of UXO cleanup is to return the terrain to the contours and grading that existed prior to the cleanup. California law does not preclude a potentially

responsible party from proposing, and DTSC approving, a RAP that results in contours and grading different than those that existed prior to the cleanup.

DTSC also respectfully disagrees with the commentor's view that the resculpting and recontouring of the terrain associated with Granite Management's plan have little to do with UXO cleanup. The Imminent and/or Substantial Endangerment Determination and Remedial Action Order issued by DTSC in June 1999 requires that remediation of areas designated by the City of Benicia for residential use include a specified minimum depth of UXO-free soil to remain on or near the surface to provide protection from UXO during post-remediation excavations. California law does not preclude Granite from proposing, or DTSC accepting, a RAP that meets this requirement for surface contours that would facilitate reasonably foreseeable future residential development in accordance with previously approved grading plans. Such a proposed RAP is consistent with DTSC's practice of evaluating post-remediation risks in the context of reasonably foreseeable future land use.

With regard to the commentor's view that the DEIR is lacking in scope because it fails to address residential development on the site, DTSC notes that residential development is not a part of the Project. DTSC considers that the DEIR adequately addresses reasonably foreseeable future residential development in its discussion of growth-inducing impacts (Section 20) and cumulative impacts (Section 21).

- I-22. Comment: "The movement of soil is evidence of the greater scope of the project. In Table 3-4, On-Site Earth Moving Activities, approximately 218,000 cubic yards of soil are being moved in relation to the UXO/HTRW cleanup, while over 1,430,000 cubic yards of soil are being moved to prepare the site for the long-term development objectives. This is over six times the amount of dirt being moved. It is clear that these activities represent the greater efforts associated with the project, and thus, the true objectives of the project. To that end, the document fails to address the impacts associated with the long-term residential development."

Response: See the response to Comment I-21. Residential development is not within the scope of the Project; however, such potential development must be taken into consideration in determining the appropriate remediation for the Project Site. Since residential development is not within the scope of the Project, it is not necessary or appropriate to consider the impacts that would be caused by residential development of the Project Site, except to the extent such impacts are considered in the DEIR at Section 20 (Growth-Inducing Impacts) and Section 21 (Cumulative Impacts).

- I-23. Comment: “Impacts associated with the project are generally described as either non-existent, short-term or reduced to less than significant, through mitigation measures. In virtually every scenario described in the Biological Resources section of the document (Section 7), the environmental impact has been kept at a minimal level because the impacted area is able to return to a state of natural equilibrium after being disturbed through project-related activities. In reality, this return to a state of natural equilibrium would never take place due to the anticipated residential development, or it would be short-lived. In fact, it is highly unlikely that any habitat, species, or area of environmental quality (air quality, water quality, noise, aesthetics, ...) will escape the long-term significant impacts as a result of the residential development intended by the project. Those resources that are not directly impacted by the project actions and subsequent development (loss of habitat, diminished air quality, etc) will be indirectly impacted from the same. Cumulative impacts have not been considered or addressed in the document. The remaining wetland in the South Valley area will likely never see the return of most displaced species and will inevitably be irreparably damaged or destroyed as a result of human encroachment. The introduction of increased numbers of domesticated pets that are allowed to run free will stress the species that will not have already been driven out of their habitats.”

Response: Impacts resulting from the residential development itself have not been addressed individually. However, impacts that have the potential to contribute to a cumulative impact with the proposed project have been addressed.

- I-24. Comment: “Although the document presents the project as remediation/cleanup, the preparation of the site for residential development is being hidden within the project. The document should either limit the scope of the project to only UXO/HTRW cleanup and remediation or it should fully address the known and intended future development of the site and the long-term and cumulative environmental impacts associated with that development.”

Response: Residential development is not within the scope of the proposed project. The DEIR addresses only environmental impacts associated with the proposed remediation project for the Project Site. The project is designed to ensure that the Project Site would be suitable for residential use, since the City of Benicia has designated most of the Project Site for residential land use. See the responses to Comments I-21 through I-23.

- I-25: Comment: “Two sections of the document, Section 20, Growth Inducing Impacts, and Section 21, Cumulative Impacts, offer the opportunity to fully

address these issues. In each case, the relationship to the residential development aspect of the overall project is acknowledged, however, it is only in passing and only enough to describe how this project will correct the situation (discovery of UXO/HTRW) that prevented the development begun under a previously approved project (Tourtelot Property Residential Development Project).”

Response: The proposed project has a growth-inducing impact only in that it removes a barrier to growth. The residential development and its growth-inducing impacts are not addressed in this EIR because the proposed project does not include this development.

- I-26. Comment: “It is clear that the document describes two separate construction activities, the latter of which has no relationship to the remediation of the UXO/HTRW cleanup action. It should be addressed in a separate document that is directly related to the residential development of the site.”

Response: See the responses to Comments I-21 through I-25. DTSC agrees that any required analysis of residential development on the Project Site should be addressed in a separate document, and not in the DEIR.

- I-27. Comment: “Long-term air impacts should be considered due to the development of 416 residences.”

Response: The proposed project within this EIR does not address residential development; therefore, long-term air impacts from such development are not addressed.

- I-28. Comment: “Final sentence states that “Current data suggest that concentrations of these soil contaminants are not high enough to present a concern should they become airborne.” Data should be referenced and quantified.”

Response: The paragraph at the bottom of page 6-7, which continues on page 6-8, has been revised to include a reference and data to quantify the statement.

- I-29. Comment: “Text in first paragraph should include “However, the habitat exhibits a moderate probability of occurrence.””

Response: The suggested text has been added to the end of the incomplete paragraph at the top of page 7-27.

- I-30. Comment: "Text in third paragraph (California Newt) should include: "However, presence has been confirmed regarding occurrence and habitat.""

Response: The suggested text has been added to the end of the second full paragraph on page 7-28.

- I-31. Comment: "Northern Harrier. Add "therefore probability for occurrence is high" to last sentence."

Response: The suggested phrase is not necessary because the Northern Harrier was observed on site.

- I-32. Comment: "Loggerhead Shrike. Add to end of second paragraph: "Presence has been confirmed based on occurrence and habitat.""

Response: The suggested text has been added to the end of the second full paragraph on page 7-31.